

REMARKS

The application has been reviewed in light of the Advisory Action dated March 15, 2010. Claims 1-3 and 5-32 are currently pending in this application with claims 25-32 being withdrawn from examination. No amendments to the pending claims have been made.

Applicants acknowledge the withdrawal of the rejection of claims 1-3 and 5-24.

Double Patenting

On pages 3 and 4 of the March 15, 2010 Advisory Action, the Examiner provisionally rejected claims 1-3 and 5-24 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-19 of copending U.S. Serial No. 10/557,399.

In response, Applicants attach hereto as **Exhibit 1** a Terminal Disclaimer which disclaims the terminal portion of the statutory term of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of any U.S. Patent issued from U.S. Serial No. 10/557,399. Accordingly, the double patenting rejection is now moot with respect to U.S. Serial No. 10/557,399.

Under 37 C.F.R. §1.321(b), a terminal disclaimer must be accompanied by the fee set forth in 37 C.F.R. §1.20(d). Under 37 C.F.R. §1.20(d), the fee for filing a terminal disclaimer by a small entity is SEVENTY DOLLARS (\$70.00) and a check including this amount is enclosed.

Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Allowance of this application is respectfully requested.

Respectfully submitted,



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EXHIBIT 1

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Serial No.: 10/592,913

Filed: November 13, 2006